

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:

Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

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MEMBERS:

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United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
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October 30, 2006

James G. Woodward, Clerk
3,300 Thomas F. Eagleton
United States Courthouse
111 South Tenth Street
St. Louis, MO 63102-1116

Re: MDL-1629 -- In re Neurontin Marketing, Sales Practices and Products Liability Litigation (CRO)
MDL-1736 -- In re Celexa and Lexapro Products Liability Litigation (CTO-10)

Amanda Marie Diana v. Pfizer Inc., et al., D. Massachusetts, C.A. No. 0:06-3332
(D. Minnesota, C.A. No. 0:06-3332)

Dear Mr. Woodward:

I am enclosing a certified copy of an order filed today by the Panel vacating the Conditional Transfer Order (CTO-7) in MDL-1736 the above-captioned matter.

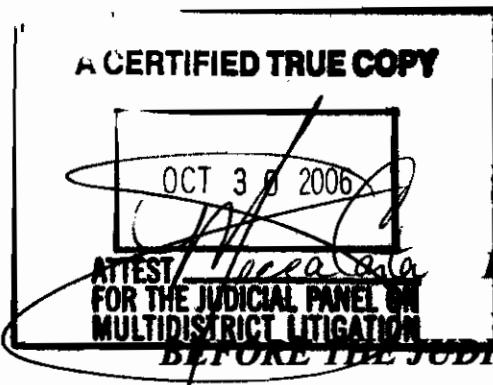
Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Mecca S. Carter
Mecca S. Carter
Deputy Clerk

Enclosure

cc: Transferee Judge: Judge Rodney W. Sippel
Transferor Judge: Judge Patrick J. Schiltz
Transferor Clerk: Richard Sletten



JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

OCT 30 2006

FILED
CLERK'S OFFICE.

ATTEST: *[Signature]*
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

POCKET NOS. 1629 AND 1736

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**MDL-1629 – IN RE NEURONTIN MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION**

**MDL-1736 – IN RE CELEXA AND LEXAPRO PRODUCTS LIABILITY
LITIGATION**

Amanda Marie Diana v. Pfizer Inc., et al., D. Massachusetts, C.A. No. 1:06-11774
(D. Minnesota, C.A. No. 0:06-3332)

**MDL-1736 ORDER VACATING CONDITIONAL TRANSFER ORDER,
MDL-1629 SEPARATION OF CLAIMS AND
CONDITIONAL REMAND ORDER, AND
MDL-1736 CONDITIONAL TRANSFER ORDER (CTO-10)**

On September 18, 2006, the above-captioned action (*Diana*) was transferred in its entirety by the Panel to the District of Massachusetts for inclusion in the coordinated or consolidated pretrial proceedings occurring in MDL-1629. It appears that *Diana* contains: 1) claims relating to ingestion of the prescription drug Neurontin that are appropriate for inclusion in MDL-1629, and 2) claims relating to ingestion of the prescription drug Celexa that are appropriate for inclusion in MDL-1736.

Unaware of the dual nature of the claims in *Diana*, the Clerk of the Panel filed a second conditional transfer order in this action on September 25, 2006, this time in MDL-1736. In the absence of any opposition, that second conditional transfer order was finalized with respect to *Diana* on October 11, 2006. The action was purportedly transferred, again in its entirety, from the District of Minnesota to the Eastern District of Missouri for inclusion in the coordinated or consolidated pretrial proceedings occurring there in MDL-1736. As noted above, however, at the time of the MDL-1736 conditional transfer order, *Diana* had already been transferred to the District of Massachusetts and was no longer pending in the District of Minnesota (and thus not susceptible to the transfer from the Minnesota district to the Eastern District of Missouri that was contemplated in the MDL-1736 order).

IT IS THEREFORE ORDERED that the Panel's conditional transfer order in MDL-1736, designated as "CTO-7" and filed on September 25, 2006, is VACATED insofar as it relates to this action.

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IT IS FURTHER ORDERED that all Celexa claims in *Diana*, currently pending in the District of Massachusetts in MDL-1629, be separated and simultaneously remanded to the District of Minnesota pursuant to 28 U.S.C. § 1407(a).

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), the resulting Celexa action is transferred under 28 U.S.C. § 1407 from the District of Minnesota to the Eastern District of Missouri for the reasons stated in the MDL-1736 transfer order of February 16, 2006, 416 F.Supp.2d 1361 (J.P.M.L. 2006), and, with the consent of that court, assigned to the Honorable Rodney W. Sippel.

This order does not become effective until it is filed in the offices of: 1) the Clerk of the United States District Court for the District of Massachusetts; and 2) the Clerk of the United States District Court for the Eastern District of Missouri. The transmittal of this order to said Clerks shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

IT IS FURTHER ORDERED that, pursuant to Rule 7.6(g), R.P.J.P.M.L., and coinciding with the effective date of this order, that the parties shall furnish the Clerk for the District of Massachusetts with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleadings or other matter filed so as to enable said Clerk to comply with the order of remand.

FOR THE PANEL:



Jeffrey N. Lüthi
Clerk of the Panel